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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,294	01/02/2004	Chih-Hsin Wang	CFP-2365 (15722/616)	2384
7590	01/28/2005		EXAMINER	
ALAN D. KAMRATH, NIKOLAI & MERSEREAU, P.A., 820 INTERNATIONAL CENTRE, 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3325			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	WANG, CHIH-HSIN	
Examiner David J Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 10 December 2004.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 4-7 and 10-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 4-7 and 10-22 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 02 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 12-10-04 and this action is non-final. Entry of the applicant's amendment dated 12-10-04 into the application file has been approved. The allowability of claims 6-7 and 10-22, of which some were incorporated into claims 12-13 and 18, as stated in the previous office action dated 10-25-04 is withdrawn.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the central member being a male member and the two lateral members being female members as seen in claims 12-13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because of the following informalities: in pages 4-5 of applicant's disclosure, the descriptions of the identical lateral members 30 and 40 is inconsistent. Lateral member 30 has a bar – 31, and a cylinder – 32 with the collar wrapped around the bar – 31 as seen in applicant's figure 5. Lateral member 40 has a bar described as item 41 and a cylinder described as item 42. As seen in applicant's figure 2 item 41 corresponds to item 32 in lateral member 30 and item 42 corresponds to item 31 in the lateral member 30. Therefore it appears that either reference numeral 41 needs to be used to describe the cylinder and reference numeral 42 needs to be used to describe the cylinder or the term cylinder should be used with reference numeral 41 and the term bar should be used with reference numeral 42.

Appropriate correction is required.

*Claim Objections*

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4. Claims 6-7 and 11-12 are objected to because of the following informalities: in line 3 of all of claims 6-7 and 11-12, insert - -in a direction- - after “recess”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7 and 10-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,438,807 to Ptolemy.

Referring to claim 12, Ptolemy discloses a device for a collar of a pet comprising, a central member – at items 12-14,16-17 in figures 3-4, a first lateral member – at 14-17, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33, and a second lateral member – at the other of items 14-17, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33, wherein the central member is a male member and the lateral members are female members, - see for example figures 3-4, wherein the male member includes a first cylinder – at 12, formed at an end and a second cylinder – at the other of 12, formed at an opposite end, and the first female member defines a first recess – at 16, into which the first cylinder can be forced and the second female member defines a second recess

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– at the other of 16, into which the second cylinder can be forced, wherein the central member includes a cavity – at 15, defined in a side for receiving a nametag – see for example figures 3-4 and column 3 lines 9-33.

Referring to claim 13, Ptolemy discloses a device for a collar of a pet comprising, a central member – at items 12-13, 15, 17 in figures 3-4, a first lateral member – at 14, 16, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33, and a second lateral member – at the other of items 14, 16, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33, wherein the central member is a male member and the lateral members are female members, - see for example figures 3-4, wherein the male member includes a first cylinder – at 12, formed at an end and a second cylinder – at the other of 12, formed at an opposite end, and the first female member defines a first recess – at 16, into which the first cylinder can be forced and the second female member defines a second recess – at the other of 16, into which the second cylinder can be forced, with the first and second cylinders each having an axis and a first side and a second side – see for example figures 3-4, spaced along the axis from the first side, with the first and second cylinders having cross sections at the first and second sides of a same shape and size – see at items 12 in figures 3-4.

Referring to claim 18, Ptolemy discloses a device for a collar of a pet comprising, a central member – at items 13-17 in figures 3-4, a first lateral member – at 12, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33, and a second lateral member – at the other of item 12, for pivotal and releasable engagement with the central member – see for example figures 3-4, column 2

lines 57-67 and column 3 lines 1- 33, wherein the central member is a female member – see at 14-17, and the lateral members are male members – see for example figures 3-4, wherein the female member includes a first recess – at 16, defined in an end and a second recess – at the other of 16, defined in an opposite end, and the first male member includes a cylinder – at 12, that can be forced into the first recess – see figures 3-4, and the second male member includes a cylinder – at the other of 12, that can be forced into the second recess – see figures 3-4, with the cylinders of the first and second male members each having an axis and a first side and a second side – see for example figures 3-4, spaced along the axis from the first side, with the cylinders of the first and second male members each having cross sections at the first and second sides of a same shape and size – see at items 12 in figures 3-4.

Referring to claim 4, Ptolemy discloses the first recess – at 16, includes a reduced opening so as to keep the cylinder – at 12, of the first male member therein – see for example figures 3-4.

Referring to claim 5, Ptolemy discloses the second recess – at 16, includes a reduced opening so as to keep the cylinder – at 12, of the second male member therein – see for example figures 3-4.

Referring to claims 6-7, Ptolemy discloses the first male member and the second male member include a bar – at 14,16, located opposite the cylinder – at 12, and spaced from the cylinder perpendicular to the axis – see for example figures 3-4, to be wound by means of the end of a collar – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33.

Referring to claims 10-11, Ptolemy discloses the first female member and the second female member, includes a bar – at 12, located opposite to the first and second recesses – at 16 –

see figures 3-4, and spaced from the first and second recesses perpendicular to the axis to be wound by means of an end of the collar – see for example figures 3-4, column 2 lines 57-67 and column 3 lines 1- 33.

Referring to claim 14, Ptolemy discloses the first and second cylinders – at 12, having cross sections of a constant shape and size between the first and second sides – see for example figures 3-4.

Referring to claim 15, Ptolemy discloses the first and second cylinders terminate in the first and second sides – see for example at 12 in figures 3-4.

Referring to claim 16, Ptolemy discloses the first recess – at 16, includes a reduced opening – see figures 3-4, extending parallel to and spaced from the axis so as to keep the first cylinder – at 12, therein – see for example figures 3-4, wherein the second recess – at 16, of the second female member includes a reduced opening – see figures 3-4, extending parallel to and spaced from the axis so as to keep the second cylinder – at 12 therein – see for example figures 3-4.

Referring to claim 17, Ptolemy discloses the first recess – at 16, of the first female member has a length parallel to the axis of the first cylinder – at 12 – see figures 3-4, with the male member including a passage – at 17, spaced inwardly of the first cylinder – at 12, and having a length parallel to the axis of the first cylinder generally equal to the length of the first recess for pivotally receiving the first female member – at 14,16, and the first recess – at 16, of the first female member therein – see figures 3-4, wherein the second recess – at 16, of the second female member has a length parallel to the axis of the second cylinder – at 12 – see figures 3-4, with the male member including a passage – at 17, spaced inwardly of the second

cylinder and having a length parallel to the axis of the second cylinder generally equal to the length of the second recess for pivotally receiving the second female member and the second recess of the second female member therein – see for example figures 3-4.

Referring to claim 19, Ptolemy discloses the cylinders – at 12, of the first and second male members each have a cross section of constant shape and size between the first and second sides – see for example figures 3-4.

Referring to claim 20, Ptolemy discloses the cylinders – at 12, of the first and second male members each terminate in the first and second sides – see for example figures 3-4.

Referring to claim 21, Ptolemy discloses the first recess – at 16, of the female member includes a reduced opening extending parallel to and spaced from the axis so as to keep the cylinder – at 12, of the first male member therein – see for example figures 3-4, wherein the second recess – at 16, of the female member includes a reduced opening extending parallel to and spaced from the axis so as to keep the cylinder – at 12 of the second male member therein – see for example figures 3-4.

Referring to claim 22, Ptolemy discloses the first recess – at 16, of the female member has a length parallel to the axis of the cylinder – at 12, of the first male member, with a first passage – at 17, being defined between the bar – at 14,16, and the cylinder – at 12, of the first member and having a length parallel to the axis of the cylinder of the first male member – see for example figures 3-4, generally equal to the length of the first recess for pivotally receiving the female member – at 14,16, and the first recess of the female member – see for example figures 3-4, wherein the second recess – at 16, of the female member has a length parallel to the axis of the cylinder – at 12, of the second male member, with a second passage – at 17, being defined

between the bar – at 14,16, and the cylinder – at 12, of the second member and having a length parallel to the axis of the cylinder – at 12, of the second male member generally equal to the length of the second recess – at 16, for pivotally receiving the female member – at 14, and the second recess – at 16, of the female member – see for example figures 3-4.

***Response to Arguments***

6. Applicant's arguments with respect to claims 4-7 and 10-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to collars and safety locking mechanisms in general:

U.S. Pat. No. 1,420,790 to Varney – shows clamping mechanism

U.S. Pat. No. 2,097,070 to Lago – shows animal collar

U.S. Pat. No. 2,346,946 to Schacht – shows animal collar

U.S. Pat. No. 2,464,867 to Johnson – shows animal collar

U.S. Pat. No. 2,712,167 to Blanchard – shows clamping mechanism

U.S. Pat. No. 3,006,322 to Vitol et al. – shows animal collar

U.S. Pat. No. 4,020,795 to Marks – shows animal collar

U.S. Pat. No. 4,309,797 to Schrougham et al. – shows animal collar

U.S. Pat. No. 6,308,663 to Philen et al. – shows animal collar

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PETER M. POON  
SUPERVISORY PATENT EXAMINER

1/25/05